

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*, §
Plaintiffs, §
v. § Case No. 5:21-cv-844-XR
§ (Consolidated Cases)
THE STATE OF TEXAS, *et al.*, §
Defendants. §

**STATE DEFENDANTS' OPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO
PLAINTIFFS' SECOND AMENDED COMPLAINTS**

The State of Texas; Greg Abbott, in his official capacity as Governor of Texas; John Scott, in his official capacity as Secretary of State; and Warren K. Paxton, in his official capacity as Texas Attorney General (collectively, "State Defendants") respectfully request that the Court extend by one week their deadlines to respond to the respective Second Amended Complaints of the *Houston Justice* Plaintiffs (ECF 199), *OCA-Greater Houston* Plaintiffs (ECF 200), *LULAC* Plaintiffs (ECF 207), and *LUPE* Plaintiffs (ECF 208). State Defendants request this additional time to respond in light of significant commitments of State Defendants' counsel in this and other proceedings, as well as the need to respond to four separate complaints, each with its own unique allegations and new amendments.

State Defendants first moved to dismiss the private plaintiffs' original complaints on October 24 and 25, 2021. ECF 53; ECF 54; ECF 55; ECF 64; ECF 67. Subsequently, the parties agreed to an extended briefing schedule by which the private plaintiffs would respond to these motions by November 18, 2021, and the State Defendants would reply by December 3, 2021. ECF 82 at 3. Before the private plaintiffs filed their responses, the Court issued a Scheduling Order setting a December 1, 2021 deadline for the private plaintiffs to respond or file amended complaints. ECF 125 at 1. The private plaintiffs filed amended complaints on December 1, 2021. ECF 136; ECF 137; ECF 139; ECF

140. The Court then mooted the pending motions to dismiss. Pursuant to an unopposed extension, the State Defendants again filed motions to dismiss on January 5, 2022, because the private plaintiffs' amended complaints failed to resolve the issues in their original complaints. *See* ECF 175; ECF 176; ECF 177; ECF 178; 182. The private plaintiffs again sought leave to amend their complaints, ECF 191; ECF 192; ECF 194; ECF 204, and the Court granted these motions and again mooted the pending motions to dismiss.

The Court granted leave to amend to the *Houston Justice* plaintiffs and *OCA-Greater Houston* plaintiffs on January 18, 2022, the *LULAC* plaintiffs on January 19, 2022, and the *LUPE* plaintiffs on January 25, 2022. Under Fed. R. Civ. P. 15(a)(3), the State Defendants' deadlines to respond to these Second Amended Complaints are February 1 (*Houston Justice* and *OCA-Greater Houston*), February 2 (*LULAC*), and February 8 (*LUPE*). The State Defendants respectfully request a one-week extension to each of these deadlines so that they may respond the *Houston Justice* Plaintiffs' and *OCA-Greater Houston* Plaintiffs' Second Amended Complaints by February 8, the *LULAC* Plaintiffs by February 9, and the *LUPE* Plaintiffs by February 15.

State Defendants request this short extension to each of these deadlines for good cause, not for the purpose of delay. Counsel for the State Defendants are currently participating in a four-day preliminary injunction hearing in El Paso, Texas, in *Brooks, et al. v. Abbott, et al.*; Case No. 1:21-cv-991 (W.D. Tex.), that began on January 25, 2022. They have had to dedicate significant resources to preparing for and conducting that hearing. Moreover, counsel for the State Defendants have additional commitments that necessitate this extension request:

- Several redistricting cases have been consolidated in *League of United Latin American Citizens v. Abbott*, No. 3:21-cv-259 (W.D. Tex.), and counsel for State Defendants have upcoming deadlines to file a reply in support of their motion to dismiss the *MALC* Plaintiffs' complaint

(January 28), to file a response to the Plaintiff-Intervenors' complaint (February 1), and to file a response to the *Fair Maps* Plaintiffs' compliant (February 4).

- Counsel for State Defendants have a hearing on Intervenors' Motion to Dismiss in *Texas State Conference of the NAACP, et al. v. Abbott, et al.*; Cause No. 202157207-7 (189th District Court, Harris County, Texas), on January 31, 2022.
- Counsel for State Defendants have a February 1, 2022 deadline to file a reply in support of their motion to the United States' Amended Complaint in this case.
- Counsel for State Defendants have a February 4, 2022 deadline to respond to the Young Black Lawyers' Organizing Coalition's Motion for Leave to File Brief of Proposed *Amicus Curiae* in this case.
- Counsel for State Defendants have an accelerated briefing and discovery schedule for a motion for preliminary injunction in *Longoria v. Paxton*, No. 5:21-cv-01223-XR (W.D. Tex.), with a response due February 8, 2022, and an evidentiary hearing set for February 11, 2022.
- Counsel for State Defendants have a February 9, 2022 deadline to respond to the United States' Motion to Compel Production in this case.

State Defendants respectfully request that the Court extend their deadlines to respond to the private plaintiffs' Second Amended Complaints by one-week so that they have sufficient time to prepare their respective responses in view of the other significant commitments outlined above. Their modest request of an additional week to respond to each Second Amended Complaint will not significantly delay the resolution of the issues raised in the State Defendants' motions to dismiss, and will not prejudice the private plaintiffs. Much of the delay in resolving the issues raised in these motions is due to the private plaintiffs' failure to adequately address the issues raised by the State Defendants in their first round of amended complaints and, thus, the State Defendants' repeated need to raise the issues for decision by the Court.

Date: January 27, 2022

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Respectfully submitted.

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COUNSEL FOR STATE DEFENDANTS

CERTIFICATE OF CONFERENCE

I hereby certify that on January 26, 2022, I conferred via email with Wendy Olson, counsel for certain private plaintiffs, who represented that she was speaking on behalf of the private plaintiffs generally. Ms. Olson indicated that the private plaintiffs oppose this motion.

/s/ Jeffrey M. White
Jeffrey M. White

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on January 27, 2022, and that all counsel of record were served by CM/ECF.

/s/ Jeffrey M. White
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